

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUNKE *et al.*

Appl. No.: 10/581,447

(U.S. Nat'l Phase of Int'l Appl.  
No. PCT/EP2004/013198)

Int'l Filing Date: November 20, 2004

For: **Active Substance Combinations  
Having Insecticidal and  
Acaricidal Properties**Art Unit: *To be assigned*Examiner: *To be assigned*

Atty. Docket: 2400.0450000/VLC/BLS

**Information Disclosure Statement  
Under 37 C.F.R. § 1.97(b)***Mail Stop PCT*Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP39** and **NPL1** to **NPL13** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent cited on the attached Form PTO/SB/08A, document **US1**, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP2**, **FP5** to **FP11**, and **FP13** to **FP37**, cited on Form PTO/SB/08A:

Document **FP1**, DT 26 41 343 A1, is in the German language. An English language abstract of document **FP1** is cited as document **NPL1** and submitted herewith.

Document **FP2**, EP 210 487 A1, is in the German language. An English language abstract of document **FP2** is cited as document **NPL2** and submitted herewith.

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Document **FP5**, EP 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document **NPL3** and submitted herewith.

Document **FP6**, EP 0 377 893 A1, is in the German language. An English language abstract of document FP6 is cited as document **NPL4** and submitted herewith.

Document **FP7**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document **NPL5** and submitted herewith.

Document **FP8**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document **NPL6** and submitted herewith.

Document **FP9**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document **NPL7** and submitted herewith.

Document **FP10**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document **NPL8** and submitted herewith.

Document **FP11**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document **NPL9** and submitted herewith.

Document **FP13**, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the patent.

Document **FP14**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document **NPL10** and submitted herewith.

Document **FP15**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document **NPL11** and submitted herewith.

Document **FP16**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document **NPL12** and submitted herewith.

Document **FP17**, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the patent.

Document **FP18**, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the patent.

Document **FP19**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document **NPL13** and submitted herewith.

Document **FP20**, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the patent.

Document **FP21**, WO 96/25395 A1, is in the German language. An English language abstract of document FP21 can be found on the face page of the patent.

Document **FP22**, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the patent.

Document **FP23**, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the patent.

Document **FP24**, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the patent.

Document **FP25**, WO 97/36868 A2, is in the German language. An English language abstract of document FP25 can be found on the face page of the patent.

Document **FP26**, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the patent.

Document **FP27**, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the patent.

Document **FP28**, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the patent.

Document **FP29**, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the patent.

Document **FP30**, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the patent.

Document **FP31**, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the patent.

Document **FP32**, WO 99/43649 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the patent.

Document **FP33**, WO 99/48869 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the patent.

Document **FP34**, WO 99/55673 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the patent.

Document **FP35**, WO 01/23354 A2, is in the German language. An English language abstract of document FP35 can be found on the face page of the patent.

Document **FP36**, WO 01/74770 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the patent.

Document **FP37**, WO 02/087334 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

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dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: FEBRUARY 2, 2007

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
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U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature	/Sriram Kasturi/	Date Considered	09/26/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)
				Filing Date	June 1, 2006
				First Named Inventor	FUNKE, Christian
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	2	Attorney Docket Number	2400.0450000/VLC/BLS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL2	Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL3	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL4	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL5	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7)	
	NPL6	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL7	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL8	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL9	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL10	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14)	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)
				Filing Date	June 1, 2006
				First Named Inventor	FUNKE, Christian
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	2	of	2	Attorney Docket Number	2400.0450000/VLC/BLS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL11	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP15)	
	NPL12	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP16)	
	NPL13	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP19)	

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